

Nathan Dooley (SBN 224331)
 Ndooley@cozen.com
 COZEN O'CONNOR
 601 South Figueroa Street
 Suite 3700
 Los Angeles, California 90017
 Telephone: 213.892.7900
 Toll Free Phone: 800.563.1027
 Facsimile: 213.892.7999

Adam C. Bonin (*Pro hac vice*)
 adam@boninlaw.com
 THE LAW OFFICE OF ADAM C. BONIN
 1900 Market Street, 4th Floor
 Philadelphia, PA 19103
 Telephone: (215) 864-8002
 http://www.boninlaw.com

Attorneys for Plaintiffs
 Kos Media and Markos Moulitsas Zúniga



UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

KOS MEDIA, LLC and
 MARKOS MOULITSAS ZÚNIGA,

PLAINTIFFS,

VS.

RESEARCH 2000 AND DELAIR D. ALI,

DEFENDANTS.

Case No.: 3:10-CV-02894 MEJ-

[Assigned for all purposes to Hon.
 Maria-Elena James, Courtroom B]

**STATUS REPORT AND
 REQUEST FOR CONTINUANCE
 OF RESPONSE DATE FOR
 FILING MOTION FOR
 DEFAULT JUDGMENT**

Complaint filed: June 30, 2010.

1 Plaintiffs Kos Media, LLC and MARKOS MOULITSAS ZÚNIGA (Plaintiffs),
 2 respectfully submit this Status Report and request an additional 28 days to file their
 3 Motion for Default Judgment.

4 **BACKGROUND**

5 1) The Parties

6 Plaintiff Kos Media LLC (“Kos Media”) is based in Berkeley California. It
 7 owns and operates the DailyKos (<http://www.dailykos.com>), the largest progressive
 8 community blog in the United States. Markos Moulitsas Zúniga is the founder,
 9 publisher, and sole owner of Kos Media. Defendant Research 2000 is a polling firm
 10 based in Olney, Maryland. Delair D. Ali (“Ali”) is the owner and CEO of Research
 11 2000.

12 2) The Complaint

13 As part of its role as a news organization, Kos Media commissioned a number
 14 of polls from Research 2000, beginning in September 2007. Kos Media and Research
 15 2000, through Moulitsas and Ali, entered into a series of agreements through which
 16 Kos Media would pay Research 2000 for political polling performed based on certain
 17 professional standards, including requirements for the number of individuals surveyed
 18 for each poll. Defendants breached their agreement with Kos Media by failing to
 19 perform the polls which they were contracted to provide, instead falsifying the data
 20 provided to the Kos Media.

21 The Complaint sets forth the following causes of action: 1) Breach of Contract;
 22 2) Unfair Business Practices under Cal. Bus. & Prof. Code §§ 17200 et seq.; 3) Breach
 23 of Implied Warranty; 4) Intentional Misrepresentation; 5) Negligent
 24 Misrepresentation; 6) Constructive Fraud; and 7) Conversion.

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3) Procedural History

The Court entered default as to Defendant Research 2000 on May 19, 2011 pursuant to Civil Local Rule 3-9(b). [Doc. No. 25.] On December 02, 2011, the Court vacated its Case Management Conference and ordered Plaintiffs to file a Motion for default Judgment within 30 days after default was entered as to Defendant Delair D. Ali. [Doc. No. 36.] The clerk entered default as to Delair D. Ali on December 06, 2011.

STATUS

On or about December 29, 2011, lead counsel for Plaintiffs Adam C. Bonin left the law firm of Cozen O'Connor to enter into his own practice, the Law Office of Adam C. Bonin. Local counsel for Plaintiffs remains Nathan Dooley of the law firm Cozen O'Connor. Due to the time taken to set up the Law Office of Adam C. Bonin, and the intervening holidays, Plaintiffs have not had the opportunity to file a Motion for Default Judgment. Accordingly, Plaintiffs hereby request an additional 28 days to file a Motion for Default Judgment.

REQUEST

Plaintiffs hereby request that they be given an until February 22, 2012 to file their Motion for Default Judgment.

Date: January 25, 2012

COZEN O'CONNOR

By: -/S/-
NATHAN DOOLEY
ATTORNEYS FOR PLAINTIFFS
COZEN O'CONNOR
601 South Figueroa Street
Suite 3700
Los Angeles, California 90017
Telephone: 213.892.7900
Toll Free Phone: 800.563.1027
Facsimile: 213.892.7999